

**REMARKS**

Claims 1-7 and 9 are pending in this application.

The courtesies extended to Applicant's representative by Examiner Tsai at the interview held November 21, 2008, are appreciated. The reasons presented at the interview as warranting favorable action are incorporated into the remarks below, which constitute Applicant's record of the interview.

The Office Action rejects claims 1, 2, 4, 6, 7 and 9 under 35 U.S.C. §102(b) over Hirai et al. (Hirai), U.S. Patent Application Publication No. 2001/0003557 A1. The rejection is respectfully traversed.

As discussed during the interview, Hirai does not disclose an image information generating part for dividing an image data to be processed into a plurality of small areas, said small areas each consisting of a plurality of pixels, and for generating, for each of said small areas, image information indicating a characteristic of the image data, as recited in independent claims 1 and 6, and similarly recited in independent claim 9.

Hirai discloses a photometry device capable of determining appropriate exposure values regardless of differences of reflectivity of focused objects to be photographed (see paragraph [0004]). Hirai determines the exposure values by dividing a scene to be photographed into multiple photometry areas A0-A5 and then determines an exposure value for each of the areas A0-A5 through sensor 9 (see Fig. 4B and paragraph [0044]). The scene to be photographed is divided and the exposure values are determined before the sensor 9 acquires any data (i.e., before any image data to be processed is acquired). That is, Hirai divides a focused object to be photographed as viewed through a camera, not image data to be processed. Additionally, Fig. 4(B) does not illustrate an image data obtained through photometry sensor 9. Instead, Fig. 4(B) merely illustrates a scene to be photographed being imaged onto the photometry sensor 9. This is evidenced by the fact that on the photometry

sensor 9 in Fig. 4(B), there are sections of the subject image that are not within the bounds of the light receiving section in Fig. 4(A) (illustrated by shaded diagonal lines). Because the six photometry areas A0-A5 are evaluated by sensor 9 before the scene to be photographed is photographed, the six photometry areas A0-A5 do not each consist of a plurality of pixels. Further, as discussed during the interview, Hirai teaches that each of the sensors 9 is constructed as a planar structure photometry IC chip having a light received section and an amplifier AMP (see Fig. 4A and paragraph [0044]). As such, the value detected from each area A0-A5 corresponds to a single color value and does not include a plurality of pixels. Therefore, each of the six photometry areas A0-A5 is composed of a single pixel, not a plurality of pixels (see paragraph [0044]).

Furthermore, Hirai does not disclose the existence of or usage of output values (i.e., pixel data) created by dividing each of the photometry areas A0-A5 into smaller areas. In Hirai, the subject image is photometrically measured at each of the six photometry areas A0-A5, and the value of the output voltage at each photometry area that is A/D converted is obtained as the output value of each photometry area. The output value corresponding to the six photometry areas A0-A5 in Hirai is only used for later exposure calculations, and there is no mention of output values obtained by further dividing each of the areas.

Therefore, Hirai does not disclose an image information generating part for dividing an image data to be processed into a plurality of small areas, said small areas each consisting of a plurality of pixels, and for generating, for each of said small areas, image information indicating a characteristic of the image data, as recited in independent claims 1 and 6, and similarly recited in independent claim 9. Therefore, independent claims 1, 6 and 9, and dependent claims 2, 4 and 7 are patentable over Hirai. Thus, it is respectfully requested that the rejection be withdrawn.

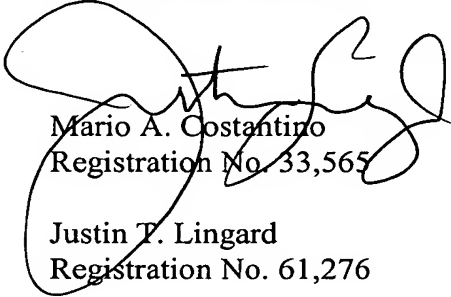
The Office Action rejects claim 3 under 35 U.S.C. §103(a) over Hirai in view of Kita, U.S. Patent Application Publication No. 2002/0051569 A1; and rejects claim 5 under 35 U.S.C. §103(a) over Hirai in view of Kimura, U.S. Patent No. 6,333,792. The rejections are respectfully traversed.

Because claims 3 and 5 incorporate the features of independent claim 1, and because Kita and Kimura fail to overcome the deficiencies of Hirai, these claims also are patentable over the applied references for at least these reasons, as well as for the additional features that these claims recite. Thus, it is respectfully requested that the rejections be withdrawn.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachment:

Petition for Extension of Time

Date: November 25, 2008

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